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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION**

Master File No. 3:07-md-05944-SC

MDL No. 1917

This Document Relates To:

ALL INDIRECT PURCHASER ACTIONS

*Electrograph Sys., Inc., et al. v. Hitachi,  
Ltd., et al.*, No. 11-cv-01656;

*Electrograph Sys., Inc., et al. v. Technicolor  
SA, et al.*, No. 13-cv-05724;

*Siegel v. Hitachi, Ltd., et al.*, No. 11-cv-  
05502;

*Siegel v. Technicolor SA, et al.*, No. 13-cv-  
05261;

*Best Buy Co., Inc., et al. v. Hitachi, Ltd., et  
al.*, No. 11-cv-05513;

*Best Buy Co., Inc., et al. v. Technicolor SA,  
et al.*, No. 13-cv-05264;

*Target Corp. v. Chunghwa Picture Tubes,  
Ltd., et al.*, No. 11-cv-05514;

**DECLARATION OF PHILIP J. IOVIENO  
IN SUPPORT OF DIRECT ACTION  
PLAINTIFFS' AND INDIRECT  
PURCHASER PLAINTIFFS'  
ADMINISTRATIVE MOTION TO SEAL  
THEIR OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT  
BASED UPON PLAINTIFFS'  
PURPORTED FAILURE TO  
DISTINGUISH BETWEEN  
ACTIONABLE AND NON-ACTIONABLE  
DAMAGES UNDER THE FTAIA; AND  
DIRECT ACTION PLAINTIFFS'  
OPPOSITION TO THE LGE  
DEFENDANTS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT ON FTAIA  
GROUNDS**

DECLARATION OF PHILIP J. IOVIENO IN SUPPORT OF  
DIRECT ACTION PLAINTIFFS'  
ADMINISTRATIVE MOTION TO SEAL

Master File No. 3:07-md-05944-SC

1 *Target Corp. v. Technicolor SA, et al.*, No.  
2 13-cv-05686;

3 *Sears, Roebuck & Co., et al. v. Chunghwa*  
4 *Picture Tubes, Ltd., et al.*, No. 11-cv-05514;

5 *Sears, Roebuck & Co., et al. v. Technicolor*  
6 *SA, et al.*, No. 13-cv-05262;

7 *Interbond Corp. of Am. v. Hitachi, Ltd., et*  
8 *al.*, No. 11-cv-06275;

9 *Interbond Corp. of Am. v. Technicolor SA,*  
10 *et al.*, No. 13-cv-05727;

11 *Office Depot, Inc. v. Hitachi, Ltd., et al.*,  
12 No. 11-cv-06276;

13 *Office Depot, Inc. v. Technicolor SA, et al.*,  
14 No. 13-cv-05726;

15 *CompuCom Systems, Inc. v. Hitachi, Ltd., et*  
16 *al.*, No. 11-cv-06396;

17 *Costco Wholesale Corp. v. Hitachi, Ltd., et*  
18 *al.*, No. 11-cv-06397;

19 *Costco Wholesale Corp. v. Technicolor SA,*  
20 *et al.*, No. 13-cv-05723;

21 *P.C. Richard & Son Long Island Corp., et*  
22 *al. v. Hitachi, Ltd., et al.*, No. 12-cv-02648;

23 *P.C. Richard & Son Long Island Corp., et*  
24 *al. v. Technicolor SA, et al.*, No. 13-cv-  
25 05725;

26 *Schultze Agency Servs., LLC v. Hitachi,*  
27 *Ltd., et al.*, No. 12-cv-02649;

28 *Schultze Agency Servs., LLC v. Technicolor*  
*SA, et al.*, No. 13-cv-05668;

*Tech Data Corp., et al. v. Hitachi, Ltd., et*  
*al.*, No. 13-cv-00157;

*Viewsonic Corp. v. Chunghwa Picture*  
*Tubes, Ltd., et al.*, No. 14-cv-02510;

*Dell Inc., et al. v. Hitachi Ltd. et al.*, No. 13-cv-02171.

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1 I, **PHILIP J. IOVIENO**, declare as follows:

2 1. I am a partner at the law firm of Boies, Schiller & Flexner LLP, liaison counsel  
3 for Direct Action Plaintiffs (“DAPs”), and I am licensed to practice law in the State of New York  
4 and admitted to practice *pro hac vice* before this Court. Except for those matters stated on  
5 information and belief, which I believe to be true, I have personal knowledge of the facts recited  
6 in this declaration and, if called upon to do so, I would competently testify under oath thereto.

7 2. I submit this Declaration in support of DAPs’ and Indirect Purchasers Plaintiffs’  
8 (“IPPs”) (collectively, “Plaintiffs”) motion to file portions of the following documents under seal  
9 pursuant to Civil Local Rules 7-11 and 79-5(d):

- 10 • Direct Action Plaintiffs’ and Indirect Purchaser Plaintiffs’ Opposition to Defendants’  
11 Motion for Summary Judgment Based Upon Plaintiffs’ Purported Failure to  
12 Distinguish Between Actionable and Non-Actionable Damages Under the FTAIA;  
13 and Direct Action Plaintiffs’ Opposition to the LGE Defendants’ Motion for Partial  
14 Summary Judgment on FTAIA Grounds (“Opposition”)
- 15 • Exhibits 1-9 and Exhibits 11-30 to the Declaration of Philip J. Iovieno in Support of  
16 the Opposition (“Iovieno Declaration”)
- 17 • Julie French Declaration in Support of Direct Action Plaintiffs’ Opposition to  
18 Defendants’ Motion for Summary Judgment Based Upon Plaintiffs Purported Failure  
19 to Distinguish Between Actionable and Non-Actionable Damages Under the FTAIA  
20 (“French Declaration”)

21 3. Plaintiffs’ Opposition, Exhibits 1-9 and Exhibits 11-30 to the Iovieno Declaration,  
22 and the French Declaration in this case contain excerpts from and/or statements derived from  
23 documents and testimony which have been designated “confidential” or “highly confidential”  
24 pursuant to the Stipulated Protective Order governing this litigation [Dkt. 306, June 18, 2008]  
25 (“Stipulated Protective Order”). The confidential/highly confidential designations were made by  
26 certain defendants in this litigation. To qualify as confidential or highly confidential under the  
27 Stipulated Protective Order, information must contain trade secrets or other confidential research,  
28 development or commercial information or private or competitively sensitive information.

1 Stipulated Protective Order at ¶ 1.

2 4. The Stipulated Protective Order requires that a party may not file any confidential  
3 material in the public record. Stipulated Protective Order at ¶ 10. The Stipulated Protective  
4 Order further provides that any party seeking to file any confidential material under seal must  
5 comply with Civil Local Rule 79-5. Stipulated Protective Order at ¶¶ 1, 10.

6 5. Plaintiffs' Opposition, Exhibits to the Iovieno Declaration, and the French  
7 Declaration contain such material, and, pursuant to Local Rule 79-5(e), Plaintiffs seek to submit  
8 this material under seal in good faith in order to comply with the Stipulated Protective Order and  
9 the applicable Local Rules.

10 6. Therefore, Plaintiffs respectfully request an order sealing portions of Plaintiffs'  
11 Opposition, Exhibits 1-9 and Exhibits 11-30 to the Iovieno Declaration, and the French  
12 Declaration.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Executed on this 23rd day of December, 2014 at Albany, New York.

15  
16 /s/ Philip J. Iovieno

17 Philip J. Iovieno  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a true and correct copy of the documents listed below to be served by ECF filing on December 23, 2014 to each of the persons as set forth on the attached service list.

- Direct Action Plaintiffs' and Indirect Purchaser Plaintiffs' Administrative Motion to Seal Their Opposition to Defendants' Motion for Summary Judgment Based Upon Plaintiffs' Purported Failure to Distinguish Between Actionable and Non-Actionable Damages Under the FTAIA; and Direct Action Plaintiffs' Opposition to the LGE Defendants' Motion for Partial Summary Judgment on FTAIA Grounds
- Declaration of Philip J. Iovieno in Support of Direct Action Plaintiffs' and Indirect Purchaser Plaintiffs' Administrative Motion to Seal Their Opposition to Defendants' Motion for Summary Judgment Based Upon Plaintiffs' Purported Failure to Distinguish Between Actionable and Non-Actionable Damages Under the FTAIA; and Direct Action Plaintiffs' Opposition to the LGE Defendants' Motion for Partial Summary Judgment on FTAIA Grounds
- Proposed Order Granting Direct Action Plaintiffs' and Indirect Purchaser Plaintiffs' Administrative Motion to Seal Their Opposition to Defendants' Motion for Summary Judgment Based Upon Plaintiffs' Purported Failure to Distinguish Between Actionable and Non-Actionable Damages Under the FTAIA; and Direct Action Plaintiffs' Opposition to the LGE Defendants' Motion for Partial Summary Judgment on FTAIA Grounds

Dated: December 23, 2014

/s/ Adam Weber

Adam Weber

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**SERVICE LIST**

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